

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARIA ROGERS, INDIVIDUALLY §  
AND anf of D.R. AND AS §  
REPRESENTATIVE OF LINDA MICHELLE §  
ROGERS, DECEASED, JOSE FISCAL §  
AND AMPARO CAMACHO, §

Plaintiffs, §  
§  
v. §  
§  
ATMOS ENERGY CORPORATION §  
§  
Defendant. §

Case No. 3:18-cv-0869-M

**DECLARATION OF SUSAN KENNEDY**

I, Susan Kennedy, declare that:

1. I am a lawyer at the law firm of Baker Botts L.L.P. and counsel for Defendant Atmos Energy Corporation in this case. My business address is 2001 Ross Avenue, Suite 1200, Dallas, Texas 75201. I make this declaration based on my own knowledge and would testify to the matters stated in this declaration under oath if called upon to do so.

2. Attached as Exhibit A is a true and correct copy of Plaintiffs' Original Petition, also filed in this case at Dkt. 1-15.

3. Attached as Exhibit B are true and correct copies of webpages printed on May 7, 2018, from the websites of the federal Pipeline and Hazardous Materials Safety Association and its Office of Pipeline Safety. Specifically,

- Exhibit B-1 is a copy of the webpage available at <https://www.phmsa.dot.gov/working-phmsa/state-programs/federalstate-legislative-authorities>;
- Exhibit B-2 is a copy of the webpage available at <https://www.phmsa.dot.gov/working-phmsa/state-programs/state-programs-overview>;

- Exhibit B-3 is a copy of excerpts of the PDF available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/pictures/2018%20State%20Guidelines%20Final%20with%20Appendices%202017-12-31.pdf>;
- Exhibit B-4 is a copy of the webpage available at <https://www.phmsa.dot.gov/working-phmsa/state-programs/state-oversight>;
- Exhibit B-5 is a copy of the first page of the PDF available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/about-phmsa/working-phmsa/state-programs/56591/2017-appendix-f-state-program-certification-agreement-status.pdf>;
- Exhibit B-6 is a copy of the webpage available at [https://primis.phmsa.dot.gov/comm/FactSheets/States/TX\\_State\\_PL\\_Safety\\_Regulatory\\_Fact\\_Sheet.htm](https://primis.phmsa.dot.gov/comm/FactSheets/States/TX_State_PL_Safety_Regulatory_Fact_Sheet.htm);
- Exhibit B-7 is a copy of the webpage available at [https://primis.phmsa.dot.gov/comm/StateProgramMetrics/StateProgramMetrics\\_TX.htm](https://primis.phmsa.dot.gov/comm/StateProgramMetrics/StateProgramMetrics_TX.htm);
- Exhibit B-8 is a copy of the webpage available at <https://www.phmsa.dot.gov/faqs/general-faqs>;
- Exhibit B-9 is a copy of the webpage available at <https://www.phmsa.dot.gov/grants/pipeline/pipeline-safety-base-grants>;
- Exhibit B-10 is a copy of the webpage available at <https://primis.phmsa.dot.gov/comm/Partnership.htm>; and
- Exhibit B-11 is a copy of the webpage available at [https://primis.phmsa.dot.gov/comm/reports/stenforce/StateEnfDet\\_state\\_TX.html](https://primis.phmsa.dot.gov/comm/reports/stenforce/StateEnfDet_state_TX.html).

4. Attached as Exhibit C is a true and correct copy of an order (Dkt. No. 19) in the case styled *Cryer v. Atmos Energy Corp.*, 3:07-CV-01675, (N.D. Tex.). Attached as Exhibit C-1 is a true and correct copy of an excerpt of the motion to remand filed in that case as Dkt. No. 6.

5. Attached as Exhibit D are true and correct copies of pleadings filed in other cases discussed in Plaintiffs' motion to remand:

- Exhibit D-1 is a copy of the original complaint in *The Estate of Kelly Unruh v. Premier Housing Inc.*, 6:16-cv-01262-EFM-KGG (D. Kan.), filed June 27, 2016.
- Exhibit D-2 is a copy of the original petition in *Delgado v. M. Lipsitz & Co.*, 3:13-CV-04324-N (N.D. Tex.), filed September 11, 2013.

- Exhibit D-3 is a copy of the original complaint in *Timmons v. Minnesota Energy Resources Corp.*, 0:14-cv-3359-JNE-BRT (D. Minn.), as filed in that case on September 4, 2014.
- Exhibit D-4 is a copy of excerpts of the defendant's response to the motion to remand (Dkt. 14) in *Delgado*, 3:13-cv-04324 (N.D. Tex.), filed November 26, 2013.

6. Attached as Exhibit E are true and correct copies of webpages printed on May 7, 2018, from the website of the Railroad Commission of Texas. Specifically,

- Exhibit E-1 is a copy of the webpage available at <http://www.rrc.state.tx.us/pipeline-safety/>; and
- Exhibit E-2 is a copy of the webpage available at <http://www.rrc.state.tx.us/about-us/organization-activities/divisions-of-the-rrc/oversight-safety-division>.

Pursuant to 28 U.S.C. § 1746, I, Susan Kennedy, declare under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2018

Susan Kennedy  
Susan Kennedy